

Mail Stop Interference
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Paper 1
Filed: 17 October 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT W. **RATTE** and NORMAN E. PETERSON
Junior Party
(Patent 6,902,095),

v.

BERNARD N. **SPIEGELBERG** and TERRY J. EVRAETS
Senior Party
(Application 11/268,497).

Patent Interference No. 105,659 (SCM)
(Technology Center 1700)

DECLARATION - Bd.R. 203(b)¹

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Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 application (if any), count(s) and claims designated as corresponding or as
2 not corresponding to the count(s) appear in Parts E and F of this
3 DECLARATION.

4 **Part B. Judge managing the interference**

5 Administrative Patent Judge Sally C. Medley has been designated to
6 manage the interference. Bd. R. 104(a).

7 **Part C. Standing order**

8 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies
9 this DECLARATION. The STANDING ORDER applies to this
10 interference.

11 **Part D. Initial conference call**

12 A telephone conference call to discuss the interference is set for
13 **1:00 p.m. on 11 December 2008** (the Board will initiate the call).

14 No later than **four business days** prior to the conference call, each
15 party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions
16 (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

17 A sample schedule for taking action during the motion phase appears
18 as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss
19 the schedule prior to the conference call and to agree on dates for taking
20 action. A typical motion period lasts approximately eight (8) months.
21 Counsel should be prepared to justify any request for a shorter or longer
22 period.

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Part F. Count and claims of the parties

Count 1

Claim 1 of Ratte's U.S. Patent 6,902,095

or

Claim 27 of Spiegelberg's Application 11/268,497

The claims of the parties are:

Ratte: 1-9

Spiegelberg: 27-35

The claims of the parties which correspond to Count 1 are:

Ratte: 1-9

Spiegelberg: 27-35

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Ratte: none

Spiegelberg: none

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The parties are accorded the following benefit for Count 1:

Ratte: none

Spiegelberg: 10/162,059, filed 04 June 2002,
now U.S. Patent 7,163,763,
issued 16 January 2007

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this
3 interference, see SO & 106.1.1:

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1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly
3 expedite processing of the request. Please attach a copy of Parts E and F of
4 this DECLARATION with a hand-drawn circle around the patents and
5 applications for which a copy of a file wrapper is requested.

6

/Sally C. Medley/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Examiner's write-up
Copy U.S. Patent 6,902,095
Copy U.S. Patent 7,163,763
Copy of claims of 11/268,497

Revised 3 January 2006

cc (via overnight delivery):

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